



FOR IMMEDIATE RELEASE
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GOVERNOR VETOES HB 2701
“Stop playing political games,” says Napolitano

PHOENIX – Governor Janet Napolitano has vetoed House Bill 2701. The unconstitutional bill attempted to mandate that the National Guard be mobilized any time an emergency is declared at the border.

In fact, by executive order, Governor has already ordered expanded Guard presence in a support role at the border. All that remained was for the state legislature to appropriate funding necessary to sustain that expanded presence. Rather than meet that responsibility, instead the Legislature resorted to political game-playing and passed a bill that tied \$10 million in funding to an unconstitutional provision forcing the Governor to call out the Guard.

In her veto message, Napolitano called the measure an “unwise restriction on the Governor.” The Arizona Constitution (art. V, § 3.) provides that the Governor is the commander-in-chief of the military forces of the state (the National Guard), except when those Guard members have already been activated for federal duty.

Governor Napolitano will not sign an unconstitutional bill. In her veto message, the Governor wrote, “It is time to stop playing political games and get serious about our border. Send me a clean bill that provides sufficient resources to enable more of our Guard to deploy to the border in a manner that respects the constitutional role of the commander-in-chief, and I will promptly sign it”

Governor Napolitano continues her fight for federal dollars to support the National Guard border effort. This week, the Governor sent letters to U.S. Secretary of Defense Donald Rumsfeld and U.S. Secretary of Homeland Security Michael Chertoff, continuing to pressure them for a positive response. The letters included a detailed legal memo describing case law in favor of federal funding. Copies of the letters and the legal memo are attached.

But since federal authorities continue to be slow to respond to Governor Napolitano’s repeated requests for resources and assistance, the state will have to dedicate funds to keep the border safe, and give law enforcement the tools to fight state crimes associated with illegal immigration.

The Arizona National Guard has served continuously along the border with Mexico in a support capacity for nearly 20 years.

A copy of the veto letter is also attached.